## APPROVED MINUTES\*

# SUNNYVALE CITY COUNCIL TUESDAY, NOVEMBER 25, 2008 COUNCIL CHAMBERS, 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

#### 7 P.M. COUNCIL MEETING

#### SALUTE TO THE FLAG

Mayor Spitaleri led the salute to the flag.

**ROLL CALL** 

**PRESENT:** Mayor Anthony Spitaleri

Vice Mayor Melinda Hamilton
Councilmember John Howe
Councilmember Otto Lee
Councilmember Ron Swegles
Councilmember Christopher Moylan
Councilmember David Whittum

ABSENT: None

**STAFF PRESENT:** City Manager Amy Chan

Assistant City Manager Robert Walker

City Attorney David Kahn

Director of Community Development Hanson Hom

City Clerk Gail Borkowski

#### **SPECIAL ORDER OF THE DAY**

Presentations to Outgoing City Manager Amy Chan

## **PUBLIC ANNOUNCEMENTS**

Councilmember Swegles announced free training for environmental volunteers. The City is partnering with ACTERRA Green @ Home program to train volunteers to perform basic home energy saving audits for interested Sunnyvale residents. Contact Liz Muir at Acterra, 650.962.9876 or greenathome@acterra.org.

Barbara Fukumoto announced that Mumbai, India will host this years' Live Earth Event to raise awareness of climate in crisis.

Councilmember Swegles announced the Downtown tree lighting event.

Councilmember Moylan reminded Council that it's not too late for the City Manager and Council to enter the Turkey Trot.

## **CONSENT CALENDAR**

Vice Mayor Hamilton pulled Item 1.E.

Vice Mayor Hamilton moved and Councilmember Howe seconded to approve the Consent Calendar with the exception of Item 1.E.

**VOTE: 7-0** 

1.A. MOTION Approval of Draft Minutes of October 14, 2008

1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

## Fiscal Items

1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List No. RTC 08–345 428.

Staff Recommendation: Council reviews the attached lists of bills.

## **Contracts**

1.D. MOTION RTC 08–348 Recommendation for Approval of a Groundlease Agreement and Right of Entry Agreement between Santa Clara County and City of Sunnyvale for the Development of up to 125 Senior Affordable Housing Units at 660 S. Fair Oaks by Mid-Peninsula Housing Coalition

Staff Recommendation: Council approves the Ground Lease Agreement for 660 S. Fair Oaks, Sunnyvale, Attachment A, between the City of Sunnyvale and the County of Santa Clara, which allows for the assignment of the ground lease to MPHC and the pursuit of the development of approximately 125 units of senior affordable housing, and delegates authority to the City Manager to make minor modifications deemed necessary and advisable to the Ground Lease Agreement.

#### Other Items

1.E. ORDINANCE NO. 2884-08 Adoption of Ordinance No. 2884-08 Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at 1248 Brookfield Avenue from R-3 (Medium Density Residential) to R-3/PD (Medium Density Residential/Planned Development) Zoning District

Vice Mayor Hamilton requested this item be pulled and advised she would be abstaining since she was not present to vote on the original ordinance.

MOTION: Councilmember Howe moved and Councilmember Moylan seconded to approve staff recommendation: Council approves the second reading of Ordinance 2884-08.

VOTE: 6-0 (Vice Mayor Hamilton abstained as she was not present to vote on the original ordinance)

1.F. MOTION Authorization for NOVA to Apply for Workforce Investment Act Funds RTC 08-346

for Veterans Employment-Related Assistance Program in the Amount

of \$1,000,000

Staff Recommendation: Council, on behalf of the NOVA seven-city consortium and in concurrence with the NOVA Workforce Board, adopts Alternative 1: Council authorized the submission of an application to the State of California Employment Development Department for Workforce Investment Act funds for the Veterans Employment-Related Assistance Program in the amount of \$1,000,000.

#### STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None

## **PUBLIC COMMENTS**

Councilmember Lee commended City Manager Amy Chan for her leadership in securing funding to the build the 125 units of Senior affordable housing at 660 S. Fair Oaks (Item 1.D on this agenda).

Frank Pines requested council assistance to reduce the noise coming from a generator owned by Level II Communications on the border of Santa Clara and Sunnyvale at 1360 South Kiefer Road. He stated he spoke to Project Sentinel and was advised that the company is not breaking the law. Pines stated that the company won't do anything if the City of Sunnyvale does not make them.

Councilmember Whittum asked staff if the city's noise ordinance, limiting noise levels to 50 dba at the lot line, applies to this company.

Mayor Spitaleri requested the city manager direct the appropriate staff to look into this noise issue.

Councilmember Moylan suggested this issue be reviewed as a part of the ongoing discussions with the City of Santa Clara regarding border issues.

City Manager Amy Chan stated staff would contact Pines on November 26.

Arthur Schwarz stated that noise measurements have been a problem in the city for years and low frequency noise is not measured in dba. He suggested the city make measurements in dba and dbc to get measurements that represent what Pines is really exposed to and follow this up with a study session next year to consider changing the city's noise regulation.

# COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE **ASSIGNMENTS**

Councilmember Swegles advised that he and the mayor are working to restore funding for the Ombudsman who monitors elder care in nursing homes.

Vice Mayor Hamilton advised the NOVA Workforce Board conducted interviews for board members and hopes to recruit candidates from companies that will bring something to the table. Vice Mayor Hamilton encouraged her colleagues to support the recommended appointments when they appear on Council's agenda.

Councilmember Moylan stated he and Councilmember Whittum serve as members of the two flood control watershed advisory committees for the city (lower peninsula and West Valley, respectively) and the CEO of the water district has proposed dramatically shrinking the activities of those committees to save money. Councilmember Moylan and Councilmember Whittum expressed their strong feelings that they provide value in the interaction between the local governments and these committees, related to the handling of floods, and want this to continue.

Councilmember Moylan advised that he serves on the Transportation, Infrastructure and Services Policy Committee and made a motion from the floor requesting the National League of Cities adopt a policy to try to get the federal government to enforce the existing Amtrak contracts with right-of-way holders to stop shunting Amtrak trains to the side in Washington and Oregon state, allowing freight train traffic to delay Amtrak trains for hours. The motion initially passed, was then reconsidered and failed. Councilmember Moylan state he will try again next year.

Councilmember Moylan stated he was elected chair of the Emergency Preparedness Council for the next year.

## **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

## **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Approved Minutes for Housing and Human Services Commission Meeting of October 22, 2008
- RTC 08-347 Opportunity for Council to appeal decisions of the Planning Commission of November 10, 2008 and the Administrative Hearing of November 12, 2008
- Summary Minutes for the Zero Waste Policy Study Session of November 18, 2008

Mayor Spitaleri adjourned the Council meeting at 7:48 p.m.		
Katherine Bradshaw Chappelear	Date	-